

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 125 of 1998

Between:

K. Kishan Rao S/o Srinivas Rao, Hindu, aged 44 years,

Occ: Employee, R/o Ashoka Colony, Hanamkonda,
Warangal District.

..... PETITIONER

AND

- 1 The Sub-Divisional Forest Officer & Authorised Officer,
Mulugu, Warangal Dist.
- 2 The Forest Range Officer, Mulugu, Warangal Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Certiorari or any other appropriate writ, order or direction by calling for the records pertaining to the impugned Proceedings passed by the 1st respondent herein dt: 16-12-1997 in R.C.No.7/OR/C/93-94 rejecting the application for the compounding of offence and also forfeiting the Bank guarantee in favour of the Government and declare the same as illegal, arbitrary and violation of Art.14, 19 (1) (g) of the Constitution of India besides of violation of principles of Natural Justice.

For the Petitioner: MR.I.LAXMIKANTHA RAO, Advocate

For the Respondent Nos.1 and 2: GP FOR FORESTS

The Court made the following :

ORDER

The grievance of the petitioner is that though the appeal filed by him under the A.P. Forest Act was allowed by the District Judge, Warangal on 28.8.1997 and permitted him to get the offence compounded as contemplated under Section 59 of the A.P. Forest Act, the 1st respondent passed an order dated 16.12.1997 refusing to compound the offence without assigning any reasons whatsoever and, thus, approached this Court and filed the present writ petition questioning the said proceedings of 1st respondent dated 16.12.1997.

By an order dated 2.1.1998 while issuing Rule Nisi this Court was pleased to grant interim direction to the respondents not to proceed with the matter pending further orders.

Heard both the learned counsel.

A detailed counter-affidavit is filed stating that on the dates so fixed though the petitioner was present, the petitioner has failed to produce the vehicle and thus it necessitated 1st respondent to pass the said order refusing to compound the offence.

As the appeal preferred by the petitioner herein was allowed and the petitioner was permitted to get the offence compounded, I deem it appropriate to dispose of the writ petition giving the petitioner one more opportunity to appear before the concerned Sub-Divisional Forest Officer along with the vehicle, if available, and pursuant to that the Sub-Divisional Forest Officer is further directed to get the offence compounded by imposing the amounts in accordance with the law.

This writ petition is accordingly allowed. No costs.

6th December, 2004

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Thirteenth day of July, two thousand and four.

REGISTRAR

To

1. The Sub-Divisional Forest Officer and Authorised Officer, Mulugu, Warangal District,
2. The Forest Range Officer, Mulugu, Warangal District.
3. 2 C.Cs to Govt. Pleader for Forest, High Court buildings, Hyderabad (O.U.T.)
4. 2 C.D. copies.